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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 26 May 2015 from the Permanent Mission of the Kyrgyz Republic to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Kyrgyz Republic to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and, further to the national action plan of the Kyrgyz Republic for implementation of resolution 1540 (2004) submitted on 2 April 2013 and information on implementation of the national action plan submitted on 5 June 2014 to the Committee, has the honour to transmit herewith additional information on measures taken by the Government of the Kyrgyz Republic to implement the above-mentioned national action plan.

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Annex to the note verbale dated 26 May 2015 from the Permanent Mission of the Kyrgyz Republic to the United Nations addressed to the Chair of the Committee

[Original: Russian]

Information on the implementation of Security Council resolution 1540 (2004)

In order to ensure full compliance with Security Council resolution 1540 (2004) and to achieve effective cooperation among all government agencies involved in its implementation, on 22 March 2013 the Government of the Kyrgyz Republic adopted decision No. 144 approving the national action plan for the implementation of that resolution.

The action plan includes concrete measures and practical steps for the implementation of paragraphs 2, 3, 4, 5, 6 and 8 of the resolution and identifies the government agencies with responsibility in that regard.

Government entities are currently engaged in implementing the action plan, and the Ministry of Economic Affairs submits quarterly overviews of progress to the Government Office of the Kyrgyz Republic.

With respect to compliance with paragraph 2 of resolution 1540 (2004), the Ministry of Health has begun to develop a draft government decision on an inter-agency safety commission to monitor the safety of work in Kyrgyzstan with biological pathogens in risk groups 1 to 4 and with recombinant DNA molecules, with the aim of improving biosecurity and helping Kyrgyzstan to comply with its obligations regarding the non-proliferation of biological weapons.

Moreover, a system of targeted sanctions related to the proliferation of weapons of mass destruction has been established and is now operating in Kyrgyzstan with the aim of creating effective barriers that prevent weapons of mass destruction and their means of delivery from falling into the hands of non-State actors, especially terrorists.

In accordance with the regulations on the list of persons involved in terrorist or extremist activity or the proliferation of weapons of mass destruction, a list of persons involved in the proliferation of weapons of mass destruction, based on the consolidated list of persons subject to Security Council sanctions (http://www.un.org/sc/committees/consolidated_list.shtml), is constantly updated and published.

In accordance with the regulations on the procedure for halting transactions and for freezing and releasing assets (para. 6), approved by government decision No. 135 of 5 March 2010, checks must be made against the list whenever natural or legal persons carry out the procedures for identifying customers and beneficial owners.

Should a natural or legal person, customer, contractor or beneficial owner appear on the list, including in connection with the relevant resolutions and lists of Security Council committees, the person providing notification and performing the transaction must decide whether to halt the transaction and/or freeze the assets of the customer, and is also obliged to inform the Financial Intelligence Unit. The Financial Intelligence Unit then considers whether to take steps to freeze the assets.

Pursuant to paragraph 3 of Security Council resolution 1540 (2004), Kyrgyzstan takes effective measures to establish controls to prevent the proliferation of weapons of mass destruction.

The State National Security Committee of the Kyrgyz Republic has developed a draft law on accession to the Convention on the Physical Protection of Nuclear Material and on ratification of the Amendment to the Convention on the Physical Protection of Nuclear Material of 2005. In December 2014, the Government approved the draft (government decision No. 702 of 12 December 2014) and referred it to the Zhogorku Kenesh for consideration; the legislative process is advancing in accordance with the law on the rules of procedure of the Zhogorku Kenesh.

In addition, practical steps are being taken to properly equip border checkpoints and to strengthen and modernize the physical protection of the country's borders. Border and customs service personnel of the Kyrgyz Republic receive continuous training, and border posts are being modernized to reflect contemporary realities.

The State Border Service has worked to determine which sections of the State borders with Kazakhstan, Tajikistan and Uzbekistan require technical upgrades. Engineering and construction work has been done along the sections of the border with Kazakhstan, Tajikistan and Uzbekistan (installation of barriers, metal watchtowers, trenches).

In 2015, radiation portal monitors will be set up at the Shamaldy-Say and Kara-Suu rail checkpoints, and the radiation portal monitor at the Kara-Balta station will be relocated to the Kaindy rail checkpoint. The radiation portal monitors at the Kyzyl-Kyya rail checkpoint and Osh airport were tested on 22 and 23 August 2014.

In February 2014, the State Customs Service wrote to the Second Line of Defence programme regarding its priorities for equipping customs authorities with portable radiation source detection devices, including 331 pagers, 170 IdentiFINDERs and 137 RPM-470 radiation portal monitors.

The Service's current supply of portable radiation source detection devices consists of 182 pagers, 16 RPM-470 radiation portal monitors, 14 IdentiFINDERs, 17 dosimeters/radiometers and 5 radiation detectors.

In addition, starting in 2007, the Ministry of Health conducted an inventory of radioactive sources in the territory of the Kyrgyz Republic. Databases of sources of ionizing radiation have revealed the registration of 305 sealed radioactive sources at 24 facilities, with each being classified by degree of risk according to the International Atomic Energy Agency (IAEA) categorization system.

During inspections, checks were made to determine whether sources of ionizing radiation were stored under conditions complying with the physical security requirements of IAEA and national standards and rules; the activity and isotopic composition of each source was determined. Each source was given an identification number.

Of the 305 sources registered, 176 are in active use, 7 are in temporary storage with a view to subsequent use and 111 are not in use but are being kept in special repositories by the facilities holding them. In 2009, a radioactive waste repository

was used to demonstrate and store a radiation source. In 2013, 73 such sources were placed in repository storage.

The State Environmental Agency of the Government of the Kyrgyz Republic has judged two sites to be in greatest need of physical protection: the National Oncology Centre and the radioactive sources repository. Steps have been taken to select a contractor to renew the parts of the system for physical protection of radioactive sources identified earlier. Currently, the process of installing equipment for these purposes is nearing completion.

Work on the installation of equipment for the physical protection of radioactive sources in the repository on the premises of the Kara-Balta Ore Mining Combine has been completed.

In order to maintain the security of tailings pits and dumps, the Ministry of Emergency Situations is monitoring, selecting and using materials and is storing all data in paper and electronic form.

In compliance with the requirements of paragraph 6 of resolution 1540 (2004), Kyrgyzstan has developed and adopted a national control list of controlled items (government decision No. 197 of 2 April 2014).

The list takes into account all additions and amendments to the major control lists under international non-proliferation regimes.

Moreover, the regulations on the export control system for controlled items in the Kyrgyz Republic have been fully reviewed and were approved by government decision No. 257 of 27 October 2010 establishing the control system for foreign financial transactions involving dual-use items. The procedure for obtaining authorization documents, depending on the type of controlled items in question, is specified, and the list of expert bodies is organized in accordance with the structure of the national control list of controlled items.

In addition, legal and regulatory instruments in the area of export controls were reviewed in collaboration with international experts to identify gaps in the legislative framework and address them in accordance with international standards.

In the light of this evaluation, and with a view to enhancing the effectiveness of the national export control system in the Kyrgyz Republic, the Ministry amended the regulations on the export control system for controlled items as recommended by the international experts; the amendments were approved by government decision No. 15 of 10 January 2014.

Pursuant to paragraph 7 of the resolution, the Ministry of Economic Affairs has written to the Organization for Security and Cooperation in Europe (OSCE) centre to request training courses for employees of the State bodies involved in implementing the requirements of the Biological Weapons Convention. There has so far been no reply. The Ministry of Economic Affairs has also been sending requests to donor countries and international organizations when required.

On 11 and 12 March 2014, the Ministry of Foreign Affairs of the Republic of Kazakhstan and the United Nations Office for Disarmament Affairs co-hosted a working meeting of experts in Astana on the theme "The contribution of United Nations Security Council resolution 1540 (2004) to regional and global disarmament and non-proliferation", marking the tenth anniversary of the adoption

of the resolution. At that event, representatives of the Ministry of Economic Affairs and Ministry of Foreign Affairs of the Kyrgyz Republic indicated the main areas of work in which the country needed assistance from international donors.

In addition, the State Customs Service is working with the United States Department of Energy Second Line of Defence programme and the company WGI in the Kyrgyz Republic within the framework of the memorandum of understanding between the Government of the Kyrgyz Republic and the Government of the United States concerning prevention of illicit trafficking in nuclear and other radioactive material. With the assistance of the programme, the State Customs Service has installed radiation portal monitors at customs checkpoints. As part of the same programme, regular regional training courses involving specialists from other ministries and agencies have been organized to provide instruction in the operation of the radiation portal monitors. The most recent training course was held in the first quarter of 2014.

The State Customs Service has organized and conducted courses for initial training of new recruits to customs agencies. In 2014 alone, 142 staff were trained. Moreover, practical training was provided to staff of the Torugart Pass and Irkeshtam border crossings in the conduct of primary goods vehicle and radiation checks. Forty staff took part.

It is expected that four specialists from the department for disease prevention and the State epidemiological surveillance service of the Ministry of Health will undergo training as part of the IAEA radioecological monitoring programme. In 2014, 17 specialists underwent training in biosafety and biosecurity.

Under a European Union project and an IAEA regional technical cooperation project, specialists from government entities received training on (1) chemical, biological, radiological and nuclear risk assessment and export controls; (2) environmental risk assessment for former uranium-industry workers; and (3) the use of the ARIS system for registering sources of ionizing radiation.

In addition, the Ministry submits the following reports on an annual basis:

- To the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons: a report on exports and imports (forms RCA 1.0 and RCA 2.0), as well as information on national programmes concerning protection against chemical weapons, pursuant to article X of the Chemical Weapons Convention
- To the secretariat of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed on 10 April 1972 in Moscow, London and Washington: a report on confidence-building measures
- To IAEA: a report on exports and imports (under article 33 of the Agreement between the Kyrgyz Republic and IAEA for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons)
- A quarterly report pursuant to articles 2 and 3 of the Protocol Additional to the Agreement between the Kyrgyz Republic and IAEA for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons

- An annual report pursuant to articles 2.a (i), 2.a (iii), 2.a (iv), 2.a (v), 2.a (vi) (a), 2.a (vii), 2.a (x) and 2.b (i) of the Protocol Additional to the Agreement between the Kyrgyz Republic and IAEA for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons

Between 24 and 28 March 2014, meetings were held between IAEA consultants advising on the establishment of a State system to account for and monitor nuclear materials and the officials with appropriate responsibility in ministries and departments. Visits were also organized to repositories and to the Oncology Centre in Bishkek.

On 10 and 11 December 2014, IAEA technical experts met with employees of the Kara-Balta Ore Mining Combine regarding the issue of assistance for compliance with reporting obligations under the Agreement with IAEA for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

Also with regard to assistance, IAEA inspectors visited the Institute of Physical and Technical Problems and Materials Science of the National Academy of Sciences on 15 December 2014, and the Aktyuz enrichment plant on 16 December 2014.

In the light of this mission, the IAEA experts submitted a report and proposals on a plan of activities to develop a State system to account for and monitor nuclear materials; the report is currently under consideration by the relevant State entities.